

UNITED STATES DISTRICT COURT
for the
Western District of Washington

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
A Facebook account, more particularly described in
Attachment A

Case No.

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WESTERN DISTRICT OF WASHINGTON AT TACOMA	
DEPUTY	

MJ18-5192

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, attached hereto and incorporated by reference herein.

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, attached hereto and incorporated by reference herein.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
21 USC 841(a)(1) and 846	Distribution of and Conspiracy to Distribute Controlled Substances

The application is based on these facts:

See Affidavit of DEA Special Agent Samuel T. Landis.

- Continued on the attached sheet.
- Delayed notice of 365 days (give exact ending date if more than 30 days: 08/14/2019) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Samuel T. Landis, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 8/15/18



Judge's signature

David W. Christel, United States Magistrate Judge

Printed name and title

City and state: Tacoma, Washington

AFFIDAVIT

STATE OF WASHINGTON)
)
COUNTY OF PIERCE)

I, Samuel T. Landis, Special Agent, Drug Enforcement Administration (DEA),
United States Department of Justice, being first duly sworn on oath, depose and state:

MY BACKGROUND AND QUALIFICATIONS

1. I am an "investigative or law enforcement officer of the United States" within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516.

2. I am a Special Agent with the Drug Enforcement Administration (DEA), and have been since March of 2016. Currently, I work in the Seattle Field Division, Tacoma Resident Office. Prior to my employment with the DEA, I worked as a Border Patrol Agent from November 2009 to March 2016.

3. I received formal training at the DEA Basic Agent Training Academy in Quantico, Virginia. The 22-week training included comprehensive, formalized instruction in, among other things: basic narcotic investigations, drug identification and detection, familiarization with United States narcotics laws, financial investigations and money laundering, identification and seizure of drug-related assets, organized crime investigations, physical and electronic surveillance, and undercover operations. In addition to Basic Agent Training, I have completed Money Laundering Training, Traps and Concealed Compartments Training, and other various courses that have familiarized me with investigations of drug trafficking organizations, methods of importation and distribution of controlled substances, and financial investigations.

4. During the course of my law enforcement career, I have been involved in investigations of narcotics offenses, including offenses involved in this current investigation. I have participated in criminal investigations of drug-trafficking

1 organizations (DTOs), ranging from street-level dealers to larger dealers, including
2 Mexican-based DTOs. These investigations have included the unlawful importation,
3 possession with intent to distribute, and distribution of controlled substances; the related
4 laundering of monetary instruments; the conducting of monetary transactions involving
5 the proceeds of specified unlawful activities; and conspiracies associated with these
6 offenses.

7 5. As noted above, prior to my employment with the DEA, I worked for the
8 United States Border Patrol as a Border Patrol Agent for more than six years. During my
9 time as a Border Patrol Agent, I intercepted narcotics from narcotics
10 traffickers/smugglers as part of my regular duties. Furthermore, I assisted the DEA and
11 Homeland Security Investigations with mid- and upper-level drug investigations in at
12 least fifteen cases. My experience as a Border Patrol Agent familiarized me with the
13 methods used by narcotics traffickers/smugglers to transport narcotics to transport
14 narcotics, firearms, and bulk currency into and out of the United States.

PURPOSE OF AFFIDAVIT

16 6. This Affidavit is submitted in support of an application for a search warrant
17 under Title 18, United States Code, Sections 2703(a), 2703(b)(1)(A), and 2703(c)(1)(A)
18 to require Facebook to disclose to the government records and other information in its
19 possession, pertaining to the subscriber or customer associated with the following
20 Facebook account (referred to as SUBJECT ACCOUNT 9):

21 a. Facebook user ID rudy.jackson.7509, registered under the name
22 RUDY JACKSON.

23 7. All of the requested information is stored at premises owned, maintained,
24 controlled, or operated by Facebook, a social networking company headquartered in
25 Menlo Park, California. The information to be searched is described in the following
26 paragraphs and in Attachment B. This is the first application for a search warrant for
27 SUBJECT ACCOUNT 9 in this investigation.

FACEBOOK INFORMATION STORAGE

8. I am aware from my experience and training, and consultation with other investigators, of the following information about Facebook:

9. Facebook owns and operates a free-access social networking website of the same name, accessed at <http://www.facebook.com>. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the public.

10. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or thereafter. This information may include the user's full name, birth date, gender, contact e-mail address(es), Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

16 11. I know from speaking with other law enforcement that “cookies” are small
17 files placed by a server (such as those used by Facebook) on a device to track the user
18 and potentially verify a user’s authentication status across multiple sites or
19 webpages. This cookie could be unique to a particular account (e.g., the Facebook
20 account) or to a given device (e.g., the particular phone used to access the Facebook
21 account). The next time a user visits a particular site or server, the server will ask for
22 certain cookies to see if the server has interacted with that user before. Cookies can also
23 be used to determine “machine cookie overlap,” or multiple accounts that have been
24 accessed by the same individual machine (e.g., two Facebook accounts that have been
25 accessed on the same phone). The machine cookie overlap thus allows Facebook to track
26 accounts that are “linked” to each other because the same user account (username on a
27 computer) on the same device accessed multiple Facebook accounts. This can identify
28 either multiple Facebook accounts used by the same person or different people sharing

1 the same user account and device. In either case, the machine cookie overlap means that
 2 the users of the linked accounts are the same person or two people in close proximity to
 3 each other (by virtue of them using the same device).

4 12. Facebook users may join one or more groups or networks to connect and
 5 interact with other users who are members of the same group or network. Facebook
 6 assigns a group identification number to each group. A Facebook user can also connect
 7 directly with individual Facebook users by sending each user a "Friend Request." If the
 8 recipient of a "Friend Request" accepts the request, then the two users will become
 9 "Friends" for purposes of Facebook and can exchange communications or view
 10 information about each other. Each Facebook user's account includes a list of that user's
 11 "Friends" and a "News Feed," which highlights information about the user's "Friends,"
 12 such as profile changes, upcoming events, and birthdays.

13 13. Facebook users can select different levels of privacy for the
 14 communications and information associated with their Facebook accounts. By adjusting
 15 these privacy settings, a Facebook user can make information available only to himself or
 16 herself, to particular Facebook users, or to anyone with access to the Internet, including
 17 people who are not Facebook users. A Facebook user can also create "lists" of Facebook
 18 friends to facilitate the application of these privacy settings. Facebook accounts also
 19 include other account settings that users can adjust to control, for example, the types of
 20 notifications they receive from Facebook.

21 14. Facebook users can create profiles that include photographs, lists of
 22 personal interests, and other information. Facebook users can also post "status" updates
 23 about their whereabouts and actions, as well as links to videos, photographs, articles, and
 24 other items available elsewhere on the Internet. Facebook users can also post information
 25 about upcoming "events," such as social occasions, by listing the event's time, location,
 26 host, and guest list. In addition, Facebook users can "check in" to particular locations or
 27 add their geographic locations to their Facebook posts, thereby revealing their geographic
 28 locations at particular dates and times. A particular user's profile page also includes a

1 “Wall,” which is a space where the user and his or her “Friends” can post messages,
 2 attachments, and links that will typically be visible to anyone who can view the user’s
 3 profile.

4 15. Facebook allows users to upload photos and videos. It also provides users
 5 the ability to “tag” (i.e., label) other Facebook users in a photo or video. When a user is
 6 tagged in a photo or video, he or she receives a notification of the tag and a link to see the
 7 photo or video. For Facebook’s purposes, the photos and videos associated with a user’s
 8 account will include all photos and videos uploaded by that user that have not been
 9 deleted, as well as all photos and videos uploaded by any user that have that user tagged
 10 in them.

11 16. Facebook users can exchange private messages on Facebook with other
 12 users. These messages, which are similar to e-mail messages, are sent to the recipient’s
 13 “Inbox” on Facebook, which also stores copies of messages sent by the recipient, as well
 14 as other information. Facebook users can also post comments on the Facebook profiles
 15 of other users or on their own profiles; such comments are typically associated with a
 16 specific posting or item on the profile. In addition, Facebook has a Chat feature that
 17 allows users to send and receive instant messages through Facebook. These chat
 18 communications are stored in the chat history for the account. Facebook also has a Video
 19 Calling feature, and although Facebook does not record the calls themselves, it does keep
 20 records of the date of each call.

21 17. If a Facebook user does not want to interact with another user on Facebook,
 22 the first user can “block” the second user from seeing his or her account.

23 18. Facebook has a search function that enables its users to search Facebook for
 24 keywords, usernames, or pages, among other things.

25 19. Each Facebook account has an activity log, which is a list of the user’s
 26 posts and other Facebook activities from the inception of the account to the present. The
 27 activity log includes stories and photos in which the user has been tagged, as well as
 28 connections made through the account, such as “liking” a Facebook page or adding

1 someone as a friend. The activity log is visible to the user but cannot be viewed by
2 people who visit the user's Facebook page.

3 20. Facebook Notes is a blogging feature available to Facebook users, and it
4 enables users to write and post notes or personal web logs ("blogs"), or to import their
5 blogs from other services, such as Xanga, LiveJournal, and Blogger.

6 21. In addition to the applications described above, Facebook also provides its
7 users with access to thousands of other applications on the Facebook platform. When a
8 Facebook user accesses or uses one of these applications, an update about that the user's
9 access or use of that application may appear on the user's profile page.

10 22. Some Facebook pages are affiliated with groups of users, rather than one
11 individual user. Membership in the group is monitored and regulated by the
12 administrator or head of the group, who can invite new members and reject or accept
13 requests by users to enter. Facebook can identify all users who are currently registered to
14 a particular group and can identify the administrator and/or creator of the group.
15 Facebook uses the term "Group Contact Info" to describe the contact information for the
16 group's creator and/or administrator, as well as a PDF of the current status of the group
17 profile page.

18 23. Facebook uses the term "Neoprint" to describe an expanded view of a given
19 user profile. The "Neoprint" for a given user can include the following information from
20 the user's profile: profile contact information; News Feed information; status updates;
21 links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists,
22 including the friends' Facebook user identification numbers; groups and networks of
23 which the user is a member, including the groups' Facebook group identification
24 numbers; future and past event postings; rejected "Friend" requests; comments; gifts;
25 pokes; tags; and information about the user's access and use of Facebook applications.

26 24. Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP
27 address. These logs may contain information about the actions taken by the user ID or IP
28 address on Facebook, including information about the type of action, the date and time of

1 the action, and the user ID and IP address associated with the action. For example, if a
2 user views a Facebook profile, that user's IP log would reflect the fact that the user
3 viewed the profile, and would show when and from what IP address the user did so.

4 25. Social networking providers like Facebook typically retain additional
5 information about their users' accounts, such as information about the length of service
6 (including start date), the types of service utilized, and the means and source of any
7 payments associated with the service (including any credit card or bank account number).

8 In some cases, Facebook users may communicate directly with Facebook about issues
9 relating to their accounts, such as technical problems, billing inquiries, or complaints
10 from other users. Social networking providers like Facebook typically retain records
11 about such communications, including records of contacts between the user and the
12 provider's support services, as well as records of any actions taken by the provider or
13 user as a result of the communications.

14 26. Therefore, the computers of Facebook are likely to contain all the material
15 described above, including stored electronic communications and information concerning
16 subscribers and their use of Facebook, such as account access information, transaction
17 information, and other account information. I believe such information is likely to
18 constitute evidence of the drug trafficking crimes currently under investigation.

19 **SUMMARY OF PROBABLE CAUSE**

20 27. The information set forth in this Affidavit consists of information I have
21 gathered and observed firsthand through the course of this investigation to date, as well
22 as information relayed to me by other law enforcement personnel, my review of law
23 enforcement reports, interviews of witnesses, and my review and analysis of toll records.
24 Since I am submitting this Affidavit for the limited purpose of obtaining authorization to
25 search SUBJECT ACCOUNT 9 as described herein, I have not included every fact
26 known to me concerning this investigation. I have set forth only the facts that I believe
27 are essential to establish the necessary foundation for the issuance of such warrant.

1 ***Background Information Regarding Investigation***

2 28. CS1 agreed to cooperate with law enforcement in 2017, in exchange for
 3 judicial considerations. CS1 was arrested by members of the Bremerton Police
 4 Department (BPD) Special Operations Group (SOG) for his/her involvement in drug
 5 trafficking. CS1 cooperated with SOG and provided them with information about a
 6 group of Mexican drug traffickers who were distributing large amounts of heroin in the
 7 Puget Sound region. CS1 advised SOG that he/she had been selling various controlled
 8 substances for several years and had been in contact with several of the people within this
 9 group of Mexican drug traffickers, which agents have identified as the CASTRO DTO.

10 29. Within that organization, CS1 connected with a prominent drug trafficker
 11 whom the CS knew as “Juan” or “Jose.” CS1 believed the individual he/she knew as
 12 “Juan” was the local leader of the drug distribution at that time, and was later promoted
 13 to a larger role in the DTO. BPD Detective Jordan Ejde located a Facebook account
 14 under the name of “Juan Andres CASTRO Valenzuela” (Subject Account 2, the target of
 15 a prior search warrant issued by this Court) that CS1 and other local suspected drug
 16 dealers were associated with. Det. Ejde questioned CS1 about the account and CS1
 17 confirmed CASTRO was the male whom he/she referred to as “Juan” or “Jose.” CS1
 18 also showed Det. Ejde messages confirming that CASTRO had been in (then) recent
 19 contact with the CS, using Subject Account 2. According to CS1 and the Facebook data
 20 he/she provided, CS1 had been talking to CASTRO via Facebook Messenger for
 21 purposes of making drug transactions since approximately June of 2016.

22 30. A review of the CS’s Facebook account showed CASTRO also contacted
 23 CS1 from additional Facebook accounts under the names of “Rebeca Spencer” (Subject
 24 Account 5), “Annel Baker” (Subject Account 4), and “Katherine Thomas” (Subject
 25 Account 1). All three of those accounts have also been the target of search warrants
 26 issued by this Court. A review of CS1’s phone showed CASTRO also used Mexican
 27 phone numbers 52-668-199-4039, 52-668-248-4230, 52-668-225-5890, and 52-668-199-
 28 5533 to communicate with CS1 via text message and voice calls. Subject Account 1 and

1 phone number 52-668-199-4039 were CASTRO's most current methods of drug related
2 communications with CS1 (at that time).

3 31. Det. Ejde and DEA Special Agent (SA) Anthony DeVecchio have
4 confirmed CASTRO's identity via the Washington State Department of Licensing
5 (WADOL). Specifically, CASTRO's WADOL photograph matches that of the individual
6 on Subject Account 2. Furthermore, according to a law enforcement database, CASTRO
7 was involved as a suspected "cell head" for heroin distribution in the Everett area during
8 a DEA investigation that took place in 2012. SA DeVecchio researched this prior DEA
9 case and found that CASTRO was, in fact, the primary target of investigation within that
10 case.

11 32. Based on how CASTRO first interacted with CS1, I believe CASTRO used
12 Subject Account 2 for initially contacting his suspected drug redistributors/customers.
13 When CASTRO first contacted the CS via Facebook Messenger, he used Subject
14 Account 2. After a brief introduction utilizing Subject Account 2, CASTRO switched
15 over to a more discrete account(s), e.g., Subject Account 4 and/or Subject Account 5, for
16 the actual organizing of the suspected drug transactions. I believe that by having a
17 picture of himself [CASTRO] as the account user for Subject Account 2, it helped his
18 redistributors/customers recognize him in addition to him building a rapport with them.

19 33. CASTRO used Subject Account 1, Subject Account 2, Subject Account 4,
20 Subject Account 5, and an account registered in the name "Alissa Keyser" (Subject
21 Account 6), as well as various telephone numbers, to set up drug deals with CS1.

22 34. SOG used CS1 to conduct six controlled buys of suspected heroin from the
23 CASTRO DTO. Once the DEA began working with SOG, investigators used CS1 to
24 conduct a seventh controlled purchase toward the end of October 2017. CS1 was able to
25 introduce an undercover DEA agent (UC) to the CASTRO DTO towards the end of 2017.

26 35. CS1's criminal history includes a felony conviction for
27 Manufacture/Deliver a Schedule I/II Narcotic in 2013, gross misdemeanor convictions
28 for Fourth Degree Assault in 2015 and Third Degree Malicious Mischief in 2011, as well

1 as misdemeanor convictions for Third Degree Driving With a Suspended or Revoked
 2 License in 2018 and 2008, Indecent Exposure in 2013, and Third Degree Malicious
 3 Mischief in 2006.

4 36. Unfortunately, CS1 was battling heroin addiction for most of the time
 5 he/she was working with agents. Agents provided CS1 with access to drug treatment
 6 programs and got CS1 enrolled in a rehabilitation center; they even arranged for atypical
 7 expense reimbursements for CS1. Rather than cash reimbursement for expenses incurred
 8 during government operations, agents provided CS1 with food cards or gasoline—things
 9 that were not readily convertible into cash. Agents did so at the request of CS1, so he/she
 10 would not be tempted to purchase drugs with any excess money. These methods worked
 11 for a time, and CS1 successfully completed several months of his/her rehabilitation
 12 program before staff asked CS1 to leave due to his/her attitude problems and problems
 13 with other rehabilitation patients.

14 37. CS1 continued to help agents by providing information about the DTO and
 15 helping to build the UC's reputation. However, CS1 relapsed into heroin use in the
 16 spring of 2018. This time, CS1 quite rapidly spiraled downward into an almost paranoid
 17 and delusional state. Agents determined they could no longer use CS1 for any
 18 investigative purposes, but tried once again to get CS1 some help with his/her drug
 19 problem. Unfortunately, CS1 was not as amenable on this occasion and shunned agents'
 20 attempts at providing assistance. In May 2018, local police arrested CS1 and charged
 21 him/her with residential burglary (felony) and driving with a suspended or revoked
 22 license (misdemeanor). SOG deactivated CS1 in May 2018 due to CS1's substance
 23 abuse issues. However, agents found CS1's information to be reliable during the time
 24 agents utilized him/her to gather information.

25 ***Undercover Controlled Purchase #1 Utilizing Subject Account 1***

26 38. In early November 2017, SOG provided DEA agents, including the UC,
 27 with the various phone numbers and Facebook accounts they believed CASTRO and
 28 SARMIENTO used for drug trafficking purposes.

1 39. On November 14, 2017, CS1 sent the UC an invitation to join a group
 2 Facebook Messenger chat session, which linked the UC in communication with Subject
 3 Account 1. CASTRO and the UC then engaged in conversation regarding CASTRO's
 4 pricing for heroin. On November 16, 2017, agents conducted an undercover purchase of
 5 heroin from CASTRO (through one of the DTO's couriers) in Tacoma, Washington. The
 6 UC contacted CASTRO on 52-668-199-4039 (Target Telephone 1 or TT1) and through
 7 Subject Account 1 prior to this transaction in order to facilitate the meeting.

8 40. After the UC met with the courier and the transaction was completed,
 9 agents transported the suspected heroin to the DEA Tacoma Resident Office and weighed
 10 it; it weighed approximately 87.4 gross grams.

11 ***Undercover Controlled Purchase #2 Utilizing Subject Account 1***

12 41. On November 27, 2017, the UC received a text message from CASTRO
 13 (TT1). During this conversation, the UC and CASTRO discussed a future drug
 14 transaction for four ounces of heroin that would later occur on November 30, 2017. On
 15 November 30, the UC again met with the DTO's courier, this time in Federal Way,
 16 Washington. Prior to the controlled buy, the UC initiated a Facebook Messenger
 17 conversation with CASTRO through Subject Account 1. Using Subject Account 1,
 18 CASTRO told the UC that he changed the meet location from the Tacoma Mall to
 19 Federal Way, Washington. After the UC arrived at the new meeting location, he/she
 20 received two calls from CASTRO. Of note, Facebook Messenger has telephone call
 21 capabilities as well as video chat. The first phone call came through Facebook
 22 Messenger under Subject Account 1, and the second call came from TT1.

23 42. The courier eventually arrived in at the new meeting location, and the UC
 24 and the courier completed the transaction. Agents transported the suspected heroin to the
 25 TRO and weighed it; it weighed approximately 136.1 gross grams.

26 43. Shortly after the UC and the courier parted ways, CASTRO sent a large
 27 "thumbs up" graphic to the UC via Subject Account 1, indicating a successful drug
 28 transaction.

1 ***Undercover Controlled Purchase #3 Utilizing Subject Account 1***

2 44. On December 15, 2017, at 11:16 a.m., the UC attempted to call CASTRO
 3 via Subject Account 1 on Facebook Messenger. CASTRO did not answer the call, but
 4 typed a response at 11:17 a.m. In those communications and others exchanged that day,
 5 CASTRO and the UC arranged a deal to take place in Kent, Washington.

6 45. At approximately 1:45 p.m., the UC observed a vehicle pull up and park
 7 next to him. The UC exited his vehicle, got into the vehicle's front passenger seat, and
 8 greeted the same DTO courier who delivered the heroin to the UC during the first two
 9 controlled buys. The UC and the courier completed their transaction, and at 1:54 p.m.,
 10 CASTRO sent a large "thumbs up" graphic to the UC via Subject Account 1 on Facebook
 11 messenger.

12 ***Federal Search Warrant for Subject Account 1***

13 46. On January 3, 2018, I obtained a search warrant from the United States
 14 District Court for the Western District of Washington for Subject Account 1, believed to
 15 be used by CASTRO in order to network and facilitate suspected drug transactions. On
 16 January 17, 2018, during a search of the Facebook Messenger portion of the returned
 17 warrant materials, I found numerous suspected drug conversations between CASTRO
 18 and individuals whom agents believe, based on the content of those conversations and
 19 those individuals' respective criminal histories, are his drug redistributors/customers.

20 47. During a search of the "Cookies" portion of Subject Account 1, I found an
 21 account registered in the name "Florencio CASTRO Valenzuela" (Subject Account 3)
 22 and Subject Account 4 listed as accounts linked to Subject Account 1. On February 27,
 23 2018, I contacted Facebook Support and asked how the accounts linked to each other,
 24 based on the data Facebook had provided. Facebook Support staff informed me that
 25 Subject Account 1, Subject Account 3, and Subject Account 4 were all accessed by the
 26 same electronic device (one that is capable of accessing the World Wide Web) and under
 27 the same "cookie." A "cookie" is a personal identifier for a specific browser that links to
 28 particular web portal. This means CASTRO used the same electronic device to access

1 Subject Account 1, Subject Account 3, and Subject Account 4. The electronic device
2 CASTRO uses remembers his web signature or “cookie” by storing his unique web
3 browsing on Facebook. Anytime CASTRO reuses the same electronic device to browse
4 the web, e.g., Facebook, the device remembers his web identifiers for him.

5 48. Also, while comparing the friends lists of Subject Account 1 through 6, I
6 found that Subject Account 1, Subject Account 4, and Subject Account 5 all had common
7 friends. The “friends list” portion of Facebook is a list of other Facebook accounts
8 known to a specific account. This allows users to set up communications easier. Among
9 some of the friends in common between the Subject Account 1, 4 and 5, at least seven
10 friends have been in communication with CASTRO via Subject Account 1 for the
11 purposes of organizing suspected drug transactions. Since CASTRO has a core group of
12 contacts logged, he is easily able to reach out to any of his suspected drug
13 redistributors/customers from any of his Facebook account(s).

14 ***Federal Search Warrant for Subject Accounts 1 Through 6***

15 49. On March 8, 2018, I obtained a search warrant from the United States
16 District Court for the Western District of Washington for Subject Accounts 1 through 6,
17 all of which I believe to be used by CASTRO in order to network and facilitate suspected
18 drug transactions. On March 29, 2018, during a search of the Facebook Messenger
19 portion of Subject Accounts 1 through 3 and 5 through 6 of the returned warrant
20 materials, I again found numerous suspected drug conversations between CASTRO and
21 individuals whom agents believe are his drug redistributors/customers. Furthermore,
22 during a search of the “Cookies” portion of Subject Accounts 3 and 6, I found an account
23 registered under the name “Gina Morris” (Subject Account 7) listed as an account that
24 was accessed by the same electronic device and under the same “cookie” as the
25 aforementioned accounts.

26

27

28

1 50. When I looked at Subject Account 7's friends list and compared it to the
 2 other Subject Accounts' friend lists (with the exception of Subject Account 4¹), I found
 3 that the accounts all had multiple friends in common. Among the common friends were
 4 accounts that had been in contact with Subject Account 1, Subject Account 5, and Subject
 5 Account 6 for the purposes of organizing suspected drug transactions.

6 ***CASTRO Uses Subject Account 7 to Contact the CS***

7 51. On April 9, 2018, CASTRO contacted CS1 using Subject Account 7 to
 8 have CS1 help him register a white 2008 Honda Accord in Washington in exchange for
 9 "stuff," or what I believe to be heroin. CASTRO and CS1 arranged the vehicle
 10 registration to take place on April 10, 2018

11 52. During the morning hours of April 10, 2018, BPD Det. Ejde and Sergeant
 12 Billy Renfro met with CS1 at a secure meeting location and searched the CS for any
 13 contraband items, finding none. CASTRO contacted CS1 using Subject Account 7 to
 14 finalize their plans. During these messaging exchanges, agents on surveillance at the
 15 licensing office (located at 15600 Northeast 8th Street at the Bellevue Crossroads Mall)
 16 did not see any of the known target vehicles in this investigation nor did they see the
 17 white Honda Accord. Agents suspected CASTRO's associates might have been at a
 18 different licensing office in Bellevue (13133 Bel-Red Road, based on CS1's prior
 19 conversations with CASTRO). At about 10:00 a.m., agents brought CS1 to the licensing
 20 office at the Crossroads Mall and maintained constant surveillance of CS1 from that point
 21 onward. Agents outfitted CS1 with a recording/transmitting device (EMD) once he/she
 22 was in place at the Crossroads Mall. At 10:17 a.m., CS1 electronically shared his/her
 23 location with CASTRO and continued his/her messaging conversation with CASTRO
 24 using Subject Account 7. In the conversation, CS1 confirmed his/her current location
 25 with CASTRO and, about twenty minutes later, agents saw another identified DTO

26
 27 ¹ According to the Facebook Law Enforcement Response Team, my historical data request for Subject Account 4
 28 could not be processed because Subject Account 4 no longer existed.

1 courier and a male later identified as Juan Jose HIGUERA Gonzalez arrive at the Bel-
2 Red Auto Licensing.

3 53. After the registration process (and a subsequent lunch) was complete, the
4 courier, HIGUERA, and CS1 met briefly in the parking lot, where the courier provided
5 CS1 with approximately 20 grams of suspected heroin. CS1 met with SA DelVecchio
6 and Det. Ejde at a secure location and provided them with the 20 grams of suspected
7 heroin. SA DelVecchio and Det. Ejde searched CS1 for contraband items and did not
8 find any items during that search. CS1 later told SA DelVecchio and Det. Ejde that the
9 suspected heroin was the CS's "payment" for taking care of the vehicle registration and
10 insurance, as CS1 and CASTRO had discussed on April 9, 2018.

11 ***SUBJECT ACCOUNT 8 Contacts CS***

12 54. On April 27, 2018, CS1 contacted agents in regards to his/her recent
13 contact with CASTRO. According to CS1, he/she believed CASTRO created a new
14 Facebook account in order to contact his suspected local drug contacts in the Western
15 Washington area. After agents acquired the account information from CS1, agents
16 located an account registered under the name "CHRIS HOLDFORD" (Subject Account
17 8) and, during a search of Subject Account 8's friends list, found that the majority of the
18 people listed were also on the friends lists for Subject Accounts 1 through 7. Given this
19 similarity between all eight Subject Accounts and CASTRO's use of Facebook accounts
20 to communicate with his drug clientele (including CS1) in order to set up drug deals,
21 agents believe CASTRO created Subject Account 8 for the sole purpose of connecting
22 with his suspected drug clientele in order to further his suspected drug transactions.

23 55. On June 27, 2018, SA DelVecchio obtained authorization from United
24 States District Court Judge Ronald B. Leighton to intercept wire and electronic
25 communications over 206-880-4903 (TT19), used by CASTRO DTO courier HIGUERA.
26 The interception of TT19 began on that same day and ended on July 9, 2018. These
27 interceptions confirmed much of what agents already believed to be true about the
28 CASTRO DTO, including the fact that HIGUERA is a low-level drug and money courier

1 for the CASTRO DTO and has direct contact with some—but not all—of the CASTRO
2 DTO's distributors in Western Washington.

3 56. Through these interceptions and corresponding surveillance, agents know
4 the CASTRO DTO has additional means of communication via electronic device(s).
5 Specifically, agents believe CASTRO and members of his DTO utilize applications like
6 Facebook Messenger and WhatsApp (an encrypted mobile communication application) in
7 order to facilitate drug transactions with their drug clientele, especially those not in the
8 inner circle of courier and management positions within the DTO. Many of the
9 intercepted communications over TT19 were HIGUERA contacting suspected drug
10 redistributors in order to meet for drug transactions. I believe some of the drug-related
11 communications prior to the intercepted communications were conducted over Subject
12 Account 8, namely, CASTRO orchestrating the deals, e.g., specifics about what type of
13 drug(s), quantities and prices for the drugs, and then having his local drug couriers, e.g.
14 HIGUERA, conduct the actual drug transactions.

15 ***Discovery of SUBJECT ACCOUNT 9***

16 57. On July 3, 2018, I obtained a search warrant from the United States District
17 Court for the Western District of Washington for Subject Account 8, which I believe
18 CASTRO used in order to network and facilitate suspected drug transactions. On July
19 19, 2018, during a search of the Facebook Messenger portion of the returned warrant
20 materials, I did not find any messages. I found this to be highly unusual based on past
21 UC interactions with CASTRO over Facebook Messenger and information previously
22 gathered from the returned warrant materials for Subject Accounts 1 through 7. I
23 contacted Facebook support staff via email on July 20, 2018, to find out if there were any
24 missing materials not included in the documents they provided. Days later, I received a
25 phone call from Facebook's support staff. During this call, I explained that in many of
26 my previously authorized requests, I had not experienced this absence of information.
27 Facebook support staff told me the user of Subject Account 8 may have deleted all of his
28 conversations over Facebook Messenger. According to Facebook's support staff, if a

1 Subject Account user deletes his/her conversations over Facebook Messenger, Facebook
 2 cannot provide the information, even if a search warrant is executed on a Subject
 3 Account. This is because Facebook simply does not store deleted Facebook Messenger
 4 messages/conversations. However, with a preservation request, Facebook can preserve
 5 materials deleted by a Subject Account user and later produce them upon receipt of a
 6 court order (warrant). With a preservation request, Facebook will store any deleted
 7 conversations for any Subject Account for up to 90 days for law enforcement personnel.

8 58. Despite the absence of Facebook Messenger materials for Subject Account
 9 from the search warrant return, I did receive other data associated with the Subject
 10 Account. Specifically, the phone number (TT20) associated with Subject Account 8 was
 11 one agents previously identified as being used by the CASTROs. On July 10, 2018,
 12 agents conducted an undercover purchase of suspected heroin from the CASTRO DTO,
 13 through HIGUERA. The UC contacted the CASTRO brothers (on TT20) shortly after
 14 11:00 a.m. and asked for “2 pieces” (or 50 grams) of heroin. The CASTROs agreed to do
 15 the deal for \$2,150. The subsequent transaction between the UC and HIGUERA lasted
 16 less than one minute. The UC provided HIGUERA with \$2,150 of DEA buy money and
 17 HIGUERA provided the UC with a substance that field-tested positive for the presence of
 18 heroin and weighed 83.4 gross grams (with packaging).

19 59. Additionally, during a search of the “Cookies” portion of the returned
 20 warrant materials for Subject Account 8, I found Subject Account 1, Subject Account 3,
 21 Subject Account 6, Subject Account 7, and an account under the name “RUDY
 22 JACKSON” (SUBJECT ACCOUNT 9) listed as accounts accessed by the same
 23 electronic device and under the same “cookie.” Again, this indicates a very high
 24 probability that the same person(s) (i.e., the CASTROs) is using all of these Subject
 25 Accounts, including SUBJECT ACCOUNT 9, since the same electronic device (i.e.,
 26 computer, cell phone, or the like) is accessing all of the accounts.

27 60. When I examined SUBJECT ACCOUNT 9’s friends list and compared it to
 28 the other Subject Accounts’ friend lists (with the exception of Subject Account 4), I

1 found that the accounts all had multiple friends in common. Additionally, agents have
2 previously identified most of these “friends” as suspected drug customers, further
3 indicating the CASTROs are utilizing SUBJECT ACCOUNT 9 as a means of connecting
4 with their suspected drug customers.

5 61. On July 23, 2018, I submitted a preservation request for SUBJECT
6 ACCOUNT 9 through Facebook’s law enforcement web portal in an effort to capture
7 future suspected drug related conversations over SUBJECT ACCOUNT 9, should the
8 CASTROs continue their pattern of deleting Facebook Messenger conversations.

9 **INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED**

10 62. I anticipate executing this warrant under the Electronic Communications
11 Privacy Act, in particular Title 18, United States Code, Sections 2703(a), 2703(b)(1)(A)
12 and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the
13 government copies of the records and other information (including the content of
14 communications) particularly described in Section I of Attachment B. Upon receipt of
15 the information described in Section I of Attachment B, government-authorized persons
16 will review that information to locate the items described in Section II of Attachment B.

17 63. As indicated in the Motion for Nondisclosure and Motion to Seal that
18 accompany this Affidavit, the government requests, pursuant to the preclusion of notice
19 provisions of Title 18, United States Code, Section 2705(b), that Facebook be ordered not
20 to notify any person (including the subscriber or customer to which the materials relate)
21 of the existence of this warrant for such period as the Court deems appropriate. The
22 government submits that such an order is justified because notification of the existence of
23 this Order would seriously jeopardize the ongoing investigation. Such a disclosure would
24 give the subscriber an opportunity to destroy evidence, change patterns of behavior,
25 notify confederates, or flee from prosecution. Notifying our targets of the existence of
26 this investigation will likely cause them to destroy evidence, flee the jurisdiction, or alter
27 their methods, thus making it more difficult to dismantle the organization effectively.
28 Notice also could put the CS, UC, and agents working with them in danger

1 64. It is further respectfully requested that this Court issue an order sealing all
2 papers submitted in support of this application, including the application and search
3 warrant, until such dates as provided in the proposed Order. I believe that sealing this
4 document is necessary because the items and information to be seized are relevant to an
5 ongoing investigation. Premature disclosure of the contents of this Affidavit and related
6 documents may have a significant and negative impact on the continuing investigation
7 and may severely jeopardize its effectiveness.

8 **COMMON CHARACTERISTICS OF DRUG TRAFFICKERS**

9 65. Based on my training and experience, including experience obtained
10 through participation in this and other investigations involving the distribution of
11 controlled substances, including those targeting long-term conspiracies responsible for
12 the distribution of controlled substances, and based upon my consultation with other
13 experienced law enforcement agents and officers, I know that:

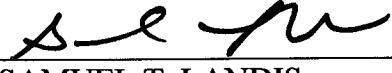
14 a. Drug trafficking conspiracies, especially those involving large amounts of
15 narcotics and interstate shipments, usually take place over several months or years, and
16 continue to operate even when enforcement activity results in arrests and/or seizures of
17 drugs and/or money.

18 b. Those involved in the distribution of illicit drugs often communicate by
19 telephone in connection with their illegal activities in order to set up meetings with
20 coconspirators, conduct drug transactions, or to arrange for the transportation drugs or
21 drug proceeds.

22 **CONCLUSION**

23 66. Based upon the information which has been uncovered during the course of
24 this investigation, and on the advice, experience, knowledge of other agents and officers
25 involved in this investigation, I believe these facts establish probable cause to conclude
26 that SUBJECT ACCOUNT 9 has been used, and will continue to be used, to facilitate
27 violations of the Controlled Substances Act, specifically distribution of narcotics,
28 conspiracy, and related offenses in the Western District of Washington, and elsewhere, in

1 violation of the Controlled Substances Act, Title 21, United States Code, Sections 841
2 and 846.

3 
4 SAMUEL T. LANDIS,
5 Special Agent
6 Drug Enforcement Administration

7
8 Subscribed and sworn to before me this 15th day of August, 2018.

9 
10 DAVID W. CHRISTEL
11 UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with the following account, identified by Facebook user ID: rudy.jackson.7509 (“SUBJECT ACCOUNT 9”), for all such information that is stored at premises owned, maintained, controlled, or operated by Facebook, a company headquartered in Menlo Park, California. This warrant is limited to information created after June 16, 2016.

**AFFIDAVIT OF SAMUEL T. LANDIS - 21
USAO 2017R01238**

UNITED STATES ATTORNEY
1201 PACIFIC AVENUE, SUITE 700
TACOMA, WASHINGTON 98402
(253) 428-3800

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Facebook

To the extent that the information described in Attachment A is within the possession, custody, or control of Facebook, including any messages, records, files, logs, or information that have been deleted but are still available to Facebook, or have been preserved pursuant to a request made under Title 18, United States Code, Section 2703(f), Facebook is required to disclose the following information to the government for the user IDs listed in Attachment A (“SUBJECT ACCOUNT 9”):

A. The following information about the customer or subscriber of SUBJECT ACCOUNT 9:

- (a) All contact and personal identifying information, including full name, user identification number, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity log for SUBJECT ACCOUNT 9, and all other documents showing the user's posts and other Facebook activities;
- (c) All photos and videos in their original format, including EXIF information (metadata), uploaded by that user ID and all photos and videos in their original format, including EXIF information (metadata), uploaded by any user that have that user tagged in them;
- (d) All other records of communications and messages made or received by the user, including all private messages, chat history, calling history, and pending "Friend" requests;
- (e) All "check ins" and other location information;
- (f) All IP logs, including all records of the IP addresses that logged into SUBJECT ACCOUNT 9;

- 1 (g) All past and present lists of friends created by SUBJECT ACCOUNT 9;
- 2 (h) All records of Facebook searches performed by SUBJECT ACCOUNT 9;
- 3 (i) The length of service (including start date);
- 4 (j) The means and source of payment for such service (including any credit
- 5 card or bank account number) and billing records;
- 6 (k) All records pertaining to communications between Facebook and any
- 7 person regarding the user or the user's Facebook account, including
- 8 contacts with support services and records of actions taken;
- 9 (l) Names (including subscriber names, Facebook user IDs, and screen
- 10 names);
- 11 (m) Addresses (including mailing addresses, residential addresses, business
- 12 addresses, and e-mail addresses);
- 13 (n) Local and long distance telephone connection records;
- 14 (o) Linked accounts; and
- 15 (p) Telephone or instrument numbers or identities (including MAC addresses).

16 B. All records and other information (not including the contents of communications)

17 relating to SUBJECT ACCOUNT 9, including:

- 18 (a) Records of user activity for each connection activity for each connection
- 19 made to or from SUBJECT ACCOUNT 9, including log files; messaging
- 20 logs; the date, time, length, and method of connections; data transfer
- 21 volume; user names; and source and destination of Internet Protocol
- 22 addresses;
- 23 (b) Information about each communication sent or received by SUBJECT
- 24 ACCOUNT 9, including the date and time of the communication, the
- 25 method of the communication (such as source and destination email
- 26 addresses, IP addresses, and telephone numbers); and
- 27 (c) Records of any Facebook accounts that are linked to SUBJECT
- 28 ACCOUNT 9 by machine cookies (meaning all Facebook user IDs that

logged into Facebook by the same machine or device as SUBJECT ACCOUNT 9).

II. Information to be seized by the government

All information described above in Section I that relates to the ongoing narcotics investigation described in the Affidavit, including, for the user ID identified on Attachment A, information pertaining to the following matters:

- (a) Any content including e-mails, messages, texts, photographs (including metadata), videos (including metadata), visual images, documents, spreadsheets, address lists, contact lists or communications of any type which could be used to identify the user and or their location.
- (b) Records relating to who created, used, or communicated with the user ID, including records about their identities and whereabouts.
- (c) All subscriber records associated with SUBJECT ACCOUNT 9, including names, addresses, local and long distance telephone connection records, or records of session times and durations, length of service (including start date) and types of service utilized, telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address, and means and source of payment for such service including any credit card or bank account number.
- (d) Any and all other log records, including IP address captures, associated with SUBJECT ACCOUNT 9; and
- (e) Any records of communications between Facebook and any person about issues relating to the account, such as technical problems, billing inquiries, or complaints from other users about SUBJECT ACCOUNT 9. This is to include records of contacts between the subscriber and the provider's support services, as well as records of any actions taken by the provider or subscriber as a result of the communications.